

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Attorney Docket No. 2006_0570A
Koichi HASEGAWA et al. : **Confirmation No. 1683**
Serial No. 10/575,725 : Group Art Unit 1733
Filed April 13, 2006 : Examiner Janell Combs Morillo
SPUTTERING TARGET MATERIAL : **Mail Stop: AF**

DECLARATION UNDER 37 CFR 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Koichi HASEGAWA, hereby declare as follows:

That I finished, in March 1996, the first half of doctoral course of Metal Engineering at the Department of Engineering of Graduate School of Kansai University;

That, in April of the same year, I joined Ishifuku Metal Industry Co., Ltd., and was assigned to Research & Development Institute of the same company, where I have since engaged in the research and development of heat-resistant materials, sputtering target materials for the formation of thin film, and precious metal alloys (e.g., materials for accessories) up to the present;

That I am one of the co-inventors named in the above-identified Application.

That I am the Declarant in the Declarations filed on November 10, 2009 and August 19, 2010.

That with respect to Declarations under 37 CFR 1.132 filed August 19, 2010, and November 10, 2009, the Final Rejection contends " ... declarant has not stated (in a 1.132 declaration) that the comparative example (4-2) is closer to the claimed invention than the closest example of Hensel (column 1, lines 39-42 - 0.04% P, 4.97% Pt, balance Ag)".

In reply, Hensel, column 1, lines 47-55, shows the general makeup of his Ag-alloyas follows:

P	0.01-1%
Pt or Pd	0.25-20%
Ni, Co or Fe	0.001-0.5%
Ag	balance

Comparative Examples 4-2 (0.01 % P - 0.58% Pt - balance Ag) and 4-3 (0.01% P - 0.58% Pt - 0.27% Ni - balance Ag) fall within the above-mentioned general range of makeup of Hensel.

It is considered that these comparative examples are closer to the claimed invention of the present application than the makeup of 0.04% P - 4.97% Pt - balance Ag which has been indicated by the Final Rejection.

In this makeup of the example which is relied on by the Final Rejection, the content of Pt is much higher than "0.01-0.9 mass%" which is recited in Claim 21 of the present application. For this reason, it is considered that the above-mentioned Comparative Examples 4-2 and 4-3 in the Declaration filed on November 10, 2009 are more appropriate for the sake of comparison.

The undersigned declarant declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Signed this _____ day of _____, 2011.

Koichi HASEGAWA